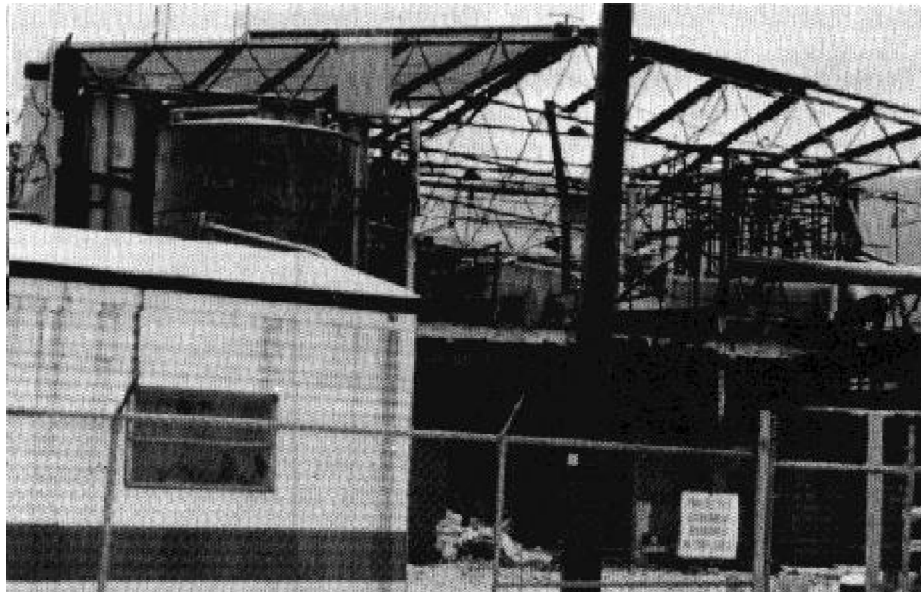


What are the Corps' Environmental Mission Assignments?

Superfund

In 1982 the Corps of Engineers entered into an Interagency Agreement with the U. S. Environmental Protection Agency (EPA) to provide assistance in executing P. L. 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, also known as Superfund. Under this agreement, the Corps of Engineers serves as program manager for execution activities assigned by EPA. These assignments include:

- ! providing technical assistance during EPA's execution of Remedial Investigations/Feasibility Studies,
- ! acting as the Contracting Officer for "Federal lead" remedial design and remedial action activities,
- ! management of remedial action contracts,
- ! providing technical assistance during EPA enforcement activities,
- ! providing technical assistance and oversight of EPA's Alternative Remedial Contracting Strategy (ARCS) contractors, and
- ! assisting in real estate and other Operation and Maintenance (O&M) support activities.



DERP

The Defense Environmental Restoration Program (DERP)

The Defense Environmental Restoration Program was established in 1984 to evaluate and remediate contamination at both active and formerly used Department of Defense (FUDs) properties. At the Department of Defense level, the DERP program is considered to be comprised of three elements:

- ! the Installation Restoration (IR) Program which addresses potential contamination at both active and formerly used defense sites;
- ! the Other Hazardous Waste (OHW) Operations Program through which research, development, and demonstration projects aimed at improving remediation technology and reducing waste generation are developed and which includes ordnance and explosive waste remediation; and
- ! Building Demolition and Debris Removal (BD/DR) activities that address removal of unsafe buildings and structures.

At the Corps level, DERP subelements are considered to be comprised of:

- ! the Installation Restoration Program (IRP) in which active DOD installations are investigated and remediated,
- ! the Formerly Used Defense Site program in which former DOD sites are remediated, and
- ! the Defense State Memorandum of Agreement/Cooperative Agreement Program which involved both IRP and FUDS activities.

The DSMOA/CA program was developed to facilitate state involvement in cleanup activities conducted under the Defense Environmental Restoration Program. DSMOAs/CAs provide the mechanism to involve states in DERP and BRAC activities by establishing the terms and conditions by which they are reimbursed for the cost of providing technical support.

As a division/district commander, you should know that under the DSMOA/CA Program, states are eligible for reimbursement for costs of:

- ! reviewing technical documents,
- ! identifying/reviewing applicable or relevant and appropriate state laws and regulations,
- ! conducting site visits and collecting split samples,
- ! participating in community relations activities,
- ! participating in technical review committee activities,
- ! preparing cooperative agreements,
- ! other costs negotiated on a State by State basis, and
- ! activities at both National Priorities List (NPL) and non-NPL sites.

Potentially Responsible Parties (PRP) Program

Under CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA), Potentially Responsible Parties (PRPs) are those groups or individuals identified as potentially liable for the costs of cleaning up contaminated sites. In executing the DERP program at FUD sites and as the operator of civil works facilities, USACE is frequently involved in PRP liability issues.

Typically, the Department of Defense (DOD) becomes a PRP under one of three circumstances:

- ! EPA or a state regulator names DOD as a PRP,
- ! a private party files suit or brings a claim against DOD, or
- ! another Federal agency presents a claim or brings DOD in as a PRP on a FUD site.

In the case of DERP-FUDS, the designated HTRW design district negotiates on behalf of USACE. For civil works facilities, geographical divisions negotiate on behalf of USACE. The actions typically involve:

- ! allocating responsibility for HTRW contamination of a site among identified PRPs
- ! developing a legal position relative to the action being taken; and
- ! directing pre-litigation negotiations focused on resolving CERCLA liability, including the negotiation of agreements with PRP, Federal, and state regulatory agencies arising from CERCLA liability including Interagency Agreements under Section 120 of SARA.

In addition to the normal documents developed during other environmental restoration activities such as the RI/FS, the following documents are developed as part of the PRP process:

- ! the Inventory Project Report (INPR) which documents whether DOD ever actually owned or operated the site;
- ! a Project Execution Plan which outlines the scope, schedule, and budget for the project;
- ! a Site Ownership and Operation History (SOOH) and Cost Allocation (CA) Report which serves as the basis the negotiating position and settlement offer; and
- ! a Settlement Agreement.